IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3505 OF 2006.

Bharat Krishna Lohar ..Applicant
V/s
The State of Maharashtra ..Respondent

Mr. S.A. Ingawale for the applicnt.
Mr. S.S. Pednekar,APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 4TH OCTOBER, 2006.

P.C.

. The applicant is arrested on 30th June, 2006 by Laxmipuri Police Station in connection with C.R.No. 86/2006. The offences alleged are punishable under Section 394, 420, 497, 498, 170 of Indian Penal Code.

2. The charge-sheet is filed after investigations were complete. The application for bail preferred by the applicant has been rejected particularly on the ground that the applicant has committed the act which is unpardonable. The allegation is that the applicant posed himself as police officer and has entered the premises of the complainant which is a lodge/hotel. The applicant enquired from the complainant as to who is the

owner and thereafter, slapped the complainant and demanded from him sum of Rs. 5000/-. The complainant genuinely believed that the applicant is the police officer and immediately arranged for payment of the same. According to the Trial Court the complainant is involved in similar cases and since he does not have a permanent residence there is likelihood of the applicant not being available for the trial.

3. Mr. Ingawale states that investigations are over and the incriminating articles have already been seized, which include the police uniform and badge and Government seals. The applicant resides at the address mentioned in the cause title and was arrested from this place. Now the charge-sheet is filed. The applicant would abide by all conditions, including reporting at the police station.

4. No materials have been placed on record to show that the applicant would abscond and would not be available for the trial. That apart, now investigations have been complete, seizures effected. This is a fit case for enlarging the applicant on bail with the following conditions:-

i) The applicant arrested in connection with C.R..No. 86/2006 registered with Laxmipuri Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs. 15,000/- with one or two local sureties in the like amount.

ii) The applicant shall report to Laxmipuri Police Station once in a week initially for a period of 3 months and thereafter, to abide by the directions of the Trial Court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution

evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)